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BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC
HEARING		
proposed amendment of	)	ON PROPOSED AMENDMENT
ARM 10.64.301 and the	)	AND REPEAL
repeal of ARM 10.64.101,	)	
10.64.341, 10.64.354,	)	
10.64.355, 10.64.356 and	)	
10.64.358 relating to	)	
bus standards	)	

TO: All Concerned Persons

1. On June 25, 2002 at 9:00 a.m. a public hearing will be held in the main floor conference room of the Office of the Commissioner of Higher Education building at 2500 Broadway, Helena, Montana, to consider the amendment and repeal of rules relating to bus standards.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on June 14, 2002 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail smeloy@bpe.montana.edu.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

10.64.301 DEFINITIONS SCHOOL BUS REQUIREMENTS ~~(1) A school bus is defined in section 61-1-116, MCA, as "every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from the school."~~

~~(a) A Type "A" school bus is a conversion or body constructed upon van-type compact truck or a front-section vehicle, with a gross weight rating of 10,000 pounds or less, designed for carrying more than 10 persons.~~

~~(b) A Type "B" school bus is a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.~~

~~(c) A Type "C" school bus is a body installed upon a blat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10~~

~~persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels.~~

~~(d) A Type "D" school bus is a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than 10 persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.~~

(1) The board of public education adopts and incorporates herein the Standards for School Buses in Montana - 2002. A copy of this document is available from the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601 or from the Office of Public Instruction, Pupil Transportation Division, P.O. Box 202501, Helena, Montana 59620-2501.

(2) The board of public education adopts standards for school buses in Montana in part from the 2000 National School Transportation Specifications and Procedures, as recommended by the national conference on school transportation (NCST). The interpretation committee of the NCST occasionally issues an interpretation on one or more of its recommended specifications and procedures. Any interpretation made by the NCST interpretations committee shall be the official interpretation of the corresponding Montana standards unless that interpretation is specifically redefined or preempted by a corresponding Montana standard, law or regulation.

AUTH: Sec. 20-2-121, MCA  
IMP: Sec. 20-10-111, MCA

4. ARM 10.64.101 which can be found on page 10-974.1 of the Administrative Rules of Montana, is proposed to be repealed because this language is contained in 20-10-104, MCA.

AUTH: Sec. 20-2-121, MCA  
IMP: Sec. 20-10-104, MCA

5. ARM 10.64.341 which can be found on page 10-980 of the Administrative Rules of Montana, is proposed to be repealed because this language has been incorporated in ARM 10.64.301.

AUTH: Sec. 20-2-121, MCA  
IMP: Sec. 20-10-104, MCA

6. ARM 10.64.354 which can be found on page 10-981 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule are contained in the Standards for School Buses in Montana - 2002 which is incorporated by reference in ARM 10.64.301.

AUTH: Sec. 20-2-121, MCA

IMP: Sec. 20-10-104, MCA

7. ARM 10.64.355 which can be found on page 10-982 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule are contained in the Standards for School Buses in Montana - 2002 which is incorporated by reference in ARM 10.64.301.

AUTH: Sec. 20-2-121, MCA  
IMP: Sec. 20-10-104, MCA

8. ARM 10.64.356 which can be found on page 10-984 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule are contained in the Standards for School Buses in Montana - 2002 which is incorporated by reference in ARM 10.64.301.

AUTH: Sec. 20-2-121, MCA  
IMP: Sec. 20-10-104, MCA

9. ARM 10.64.358 which can be found on page 10-985 of the Administrative Rules of Montana, is proposed to be repealed because the provisions of this rule are contained in the Standards for School Buses in Montana - 2002 which is incorporated by reference in ARM 10.64.301.

AUTH: Sec. 20-2-121, MCA  
IMP: Sec. 20-10-104, MCA

10. Statement of Reasonable Necessity: The Board of Public Education recently adopted the Standards for School Buses in Montana - 2002. The amendment to ARM 10.64.301 and the repeal of the listed rules is necessary so that administrative rule reflects the board's current policy concerning school buses.

11. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on June 28, 2002.

12. Steve Meloy has been designated to preside over and conduct the hearing.

13. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding school bus standards or other Board of Public Education rulemaking actions. Such written request

may be mailed or delivered to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847 or may be made by completing a request form at any rules hearing held by the Board of Public Education.

14. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Dr. Kirk Miller  
Dr. Kirk Miller, Chair  
Office of Public Instruction

/s/ Steve Meloy  
Steve Meloy, Executive Secretary  
Rule Reviewer  
Board of Public Education

Certified to the Secretary of State May 20, 2002.